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2011 JAN 14 PM 4: 54

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8 Attorneys for Plaintiff
9 WILLIAM TAYLOR

10 **UNLIMITED JURISDICTION**
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 WILLIAM TAYLOR,
14

15 Plaintiff,

16 vs.

17 CITY OF BURBANK and DOES 1 through
18 100, inclusive,

19 Defendants.

CASE NO. BC 422 252

[Assigned to John Shepard Wiley, Jr.,
Judge, Dept. "50"]

FIRST AMENDED
COMPLAINT FOR DAMAGES:

1. RETALIATION (LABOR CODE
SECTION 1102.5)
2. RETALIATION IN VIOLATION
OF THE CALIFORNIA FAIR
EMPLOYMENT

DEMAND FOR JURY TRIAL

Action Filed: September 22, 2009

GENERAL ALLEGATIONS

1. At all times relevant hereto, Plaintiff William Taylor ("Plaintiff") was a sworn
California peace officer residing in the County of Los Angeles, State of California, and was
and is a competent adult. Plaintiff was wrongfully terminated from his employment on or

1/12/11

1 about June 10, 2010 for filing a Charge of Retaliation and suing the City of Burbank for
2 violations of the Fair Employment and Housing Act.

3 2. Plaintiff is informed and believes and thereon alleges that, at all times
4 relevant hereto, Defendant City of Burbank ("City"), was an entity committing torts and
5 violating laws in and engaged as a matter of commercial actuality in purposeful economic
6 activity within the County of Los Angeles, State of California. At all times pertinent hereto,
7 Defendant City owned, controlled, and operated the law enforcement agency known as
8 the Burbank Police Department.

9 3. Plaintiff is informed and believes and thereupon alleges that defendants
10 DOES 1 through 33, inclusive, and each of them, were, at all times relevant hereto, public,
11 business, and/or other entities whose form is unknown, committing torts in and/or
12 engaged as a matter of commercial actuality, in purposeful economic activity within the
13 County of Los Angeles, State of California.

14 4. Plaintiff is informed and believes and thereupon alleges that defendants
15 DOES 34 through 67, inclusive, and each of them, were, at all times relevant hereto,
16 individuals, residing in and/or committing torts within the County of Los Angeles, State of
17 California.

18 5. Plaintiff is informed and believes and thereupon alleges that DOES 68
19 through 100 inclusive, and each of them, at all times relevant hereto, were residents of the
20 County of Los Angeles, State of California, and were agents, partners, and/or joint
21 venturers of defendants and/or DOES 1 through 33, inclusive, acting as supervisors,
22 managers, administrators, owners, and/or directors or in some other unknown capacity.

23 6. The true names and capacities of defendants DOE 1 through 100, and each
24 of them, whether individual, corporate, associate or otherwise, are unknown to Plaintiff at
25 this time, who therefore sues said defendants by such fictitious names. Plaintiff will file
26 DOE amendments, and/or ask leave of court to amend this complaint to assert the true
27 names and capacities of these defendants when they have been ascertained. Plaintiff is
28 informed and believes, and upon such information and belief alleges, that each defendant

1 herein designated as a DOE was and is in some manner, negligently, wrongfully, or
2 otherwise, responsible and liable to Plaintiff for the injuries and damages hereinafter
3 alleged, and that Plaintiff's damages as herein alleged were proximately caused by their
4 conduct.

5 7. Plaintiff is informed and believes, and thereon alleges, that at all times
6 material herein the defendants, and each of them, were the agents, servants, and
7 employees, or ostensible agents, servants, or employees of each other defendant, and as
8 such, were acting within the course and scope of said agency and employment or
9 ostensible agency and employment, except on those occasions when defendants were
10 acting as principals, in which case, said defendants, and each of them, were negligent in
11 the selection, hiring, and use of the other defendants.

12 8. Each defendant principal and/or employer herein had advance knowledge of
13 the unfitness of each defendant agent and/or employee, and employed each such agent
14 and/or employee with a conscious disregard of the rights or safety of others or otherwise
15 authorized or ratified the wrongful conduct of each such agent and/or employee. As to
16 each such corporate or other entity defendant herein, the advance knowledge and
17 conscious disregard, authorization, ratification, or act of oppression, fraud, or malice was
18 on the part of an officer, director, or managing agent of the corporation or other entity.

19 9. Plaintiff is further informed and believes that at all times relevant hereto,
20 defendants, and each of them, acted in concert and in furtherance of the interests of each
21 other defendant.

22 10. This court is the proper court because injury or damage to Plaintiff occurred
23 in its jurisdictional area.

24 11. Plaintiff has complied with and/or exhausted any applicable claims statutes
25 and/or administrative and/or internal remedies and/or grievance procedures, or is excused
26 from complying therewith. Attached hereto as Exhibits "1" and "2" are true and correct
27 copies of the Government Claim for Damages, and Amended Government Claim for
28 Damages Pursuant to Government Code Sections 905 and 910, filed on or about August

1 3, 2009 and June 4, 2010. The City failed to respond to the notice within the 45-day
2 period set forth in the Government Code for the August 3, 2009 filing. Attached hereto as
3 Exhibit "3" is a true and correct copy of a Second Amended Government Claim for
4 Damages filed on or about August 30, 2010. Attached hereto as Exhibits "4" and "5" are
5 true and correct copies of Right to Sue Notices received by Plaintiff from the California
6 Department of Fair Employment and Housing received June 15, 2009 and June 10, 2010,
7 respectively.

8 12. Plaintiff herein was and is employed by Defendant City and the Burbank
9 Police Department.

10 **FIRST CAUSE OF ACTION FOR**
11 **RETALIATION (LABOR CODE SECTION 1102.5)**

12 13. Plaintiff repeats and re-alleges each and every allegation set forth above,
13 and incorporates same by reference as though set forth fully herein.

14 14. Plaintiff disclosed information to the City of Burbank and the Burbank Police
15 Department, government and law enforcement agencies, which Plaintiff had reasonable
16 cause to believe disclosed violations of state or federal statutes, or violation or
17 noncompliance with state or federal rules or regulations, by other employees of the City of
18 Burbank and the Burbank Police Department, including but not limited to:

- 19 a. During March 2009, a sworn employee of the Burbank Police Department
20 was accused of sexually harassing numerous females at the Burbank
21 Animal Shelter. The employee was accused of inappropriate sexual
22 comments, acts and gestures. When Plaintiff was notified of the allegations
23 of sexual harassment, he recommended to Chief of Police Tim Stehr
24 that the employee be placed on administrative leave pending an
25 investigation. Chief of Police Stehr became angry and demanded that
26 the employee not be placed on administrative leave for a long period of
27 time and ultimately directed Plaintiff to bring the employee back to work
28 prematurely before sufficient investigation had been undertaken. Stehr

1 minimized complaints of sexual misconduct and frowned upon Plaintiff for
2 reporting it and taking the issue seriously. This employee was subsequently
3 accused of other acts of sexual harassment. Plaintiff informed the City
4 Manager, Mike Flad, about this incident and that it was handled
5 inappropriately on or about April or May 2009.

- 6 b. Plaintiff repeatedly complained from April 2008 through April 2009, to Stehr
7 that minority (African-American and Hispanic) probationary police officers
8 were being singled out by the Patrol Captain, Pat Lynch, at the time, and
9 some of his staff, for termination on account of their race. Plaintiff was able
10 to stop the terminations by refusing to support the record that had been
11 unjustly prepared to support the potential terminations. The discriminatory
12 actions Plaintiff witnessed towards African-American and Hispanic police
13 officers was systemic and rampant and sanctioned by the Chief of Police
14 Tim Stehr. Plaintiff had a good faith and reasonable belief that the unjust
15 attempts to terminate minority probationary officers was a violation of federal
16 and state statutes and law (specifically Government Code sections 12940 et.
17 seq.). Plaintiff was hesitant to complain to Stehr because in or around the
18 Fall of 2008, Stehr stated very casually during a management team meeting,
19 with approximately 20 plus attendees, none of whom were African-
20 American, I remember a time when it was okay to use the word "nigger"
21 around here, but times have changed. On information and belief, Plaintiff
22 alleges that Stehr was uncomfortable with the fact that more minorities,
23 including African-Americans were seeking employment with the Burbank
24 Police Department. On or about April or May 2009, Plaintiff informed the City
25 Manager that high ranking department personnel were attempting to unfairly
26 terminate probationary minority officers solely because of their race. The
27 City Manager took no action after Plaintiff's Complaint, but was instrumental
28 in demoting Plaintiff from Deputy Chief to the rank of Captain shortly after

1 Plaintiff made his complaint. The demotion was initiated by Chief Stehr in
2 retaliation for Plaintiff's Complaints of racial discrimination.

3 c. In or about January 2007, an IA investigation had been initiated based upon
4 an allegation that a lieutenant, while he held the rank of sergeant, had used
5 excessive force against a suspect. The investigation was conducted,
6 interviews were taken, and evidence was gathered. In or around 2007 all of
7 the documents, flash drive and interview tapes pertaining to the case that
8 were stored in a locked office in the Burbank Police Department were stolen.
9 The theft could have only been committed by an employee of the Burbank
10 Police Department. In a memo to Stehr dated November 19, 2007, Plaintiff
11 requested that an outside agency be contacted and brought into the
12 Burbank Police Department to investigate what was certainly a burglary
13 within the Department by Department employees. In the memo, Plaintiff
14 specifically requested that the Los Angeles County Sheriff's Department and
15 Burbank City Attorney's office become involved. Plaintiff's request to bring
16 in the Los Angeles County Sheriff's Department was angrily denied. On or
17 about April or May 2009, Plaintiff informed the City Manager about the 2007
18 burglary and the Chief's failure to take appropriate action.

19 15. On or about April 22, 2009, Plaintiff was approached by City Manager Mike
20 Flad when Plaintiff was returning from lunch. Flad requested that Plaintiff tell him
21 everything "that was going on" in the Police Department and that Plaintiff would not be
22 punished for telling the truth. Plaintiff responded by informing Flad that there was
23 discrimination, sexual harassment and corruption going on within the Department.
24 Plaintiff specified that minority officers were being unfairly targeted for termination during
25 their probationary periods, and that there were multiple burglaries going on in the
26 Department in which officers were likely involved. Plaintiff also told Flad that Stehr was
27 trying to demote him. Plaintiff told Flad that Stehr said to him "I have to save myself, I
28 can't go out this way." Stehr was referring to complaints of sexual harassment, burglaries

1 and discrimination. Flad told Plaintiff, "I know you're the heir apparent (to become chief)
2 and subject to take shots, because I was the heir apparent and it happened to me.
3 Sometimes Bill, you have to take one for the team. It's almost a leadership development
4 thing for the number one's to throw the number two's under the bus when things go
5 wrong. It happened to me twice by Mary (former City Manager). When she did it to me I
6 almost quit, but I thought about it and just went along. Ultimately I became city manager.
7 Bill, I promise not to hold this against you, and I'll remember it when it comes time to
8 name the next chief." Plaintiff refused.

9 16. On or about April 30, 2009, Plaintiff and Flad were at a retirement party for
10 Council woman Marsha Romas. Flad approached Plaintiff and told Plaintiff that he had
11 found out about Lieutenant Rodriguez' lawsuit for discrimination. Flad said "Bill I
12 understand that Omar [Lt. Rodriguez] might use discrimination for the court thing, but
13 does the police department really have a discrimination problem? The question was
14 rhetorical and Flad expected Plaintiff to say no, proving Plaintiff's intent to support the City
15 in Rodriguez' lawsuit. When Plaintiff responded "Yes," Flad became silent and appeared
16 to be angry. Plaintiff urged Flad not to allow Stehr to retaliate against the minority officers
17 who were working in the detective bureau and who had complained about discrimination.

18 17. On or about May 4, 2009, Plaintiff was demoted from deputy chief to the
19 rank of captain. Stehr told Plaintiff if he wouldn't fight the demotion he would let Plaintiff
20 keep deputy chief pay for a few more months. Stehr also told Plaintiff that he had not
21 talked to Flad about the demotion, but had demoted Plaintiff on his own authority. Plaintiff
22 then immediately went to Flad's office and informed him of the demotion. Flad said he
23 had talked to Stehr during the weekend and that Flad had agreed to the demotion. Flad
24 told Plaintiff that his career was finished in Burbank, but "why don't you go over to
25 Glendale and become chief."

26 18. Defendants, and each of them, made, adopted, and/or enforced rules,
27 regulations, and/or policies designed to prevent employees from disclosing information to
28 a government or law enforcement agency, which Plaintiff had reasonable cause to believe

1 disclosed violations of state or federal statutes.

2 19. Defendants, and each of them, retaliated against Plaintiff for disclosing
3 information to the City of Burbank and the Burbank Police Department, government and/or
4 law enforcement agencies, which the Plaintiff had reasonable cause to believe disclosed
5 violations of state or federal statutes, or violations or noncompliance with state or federal
6 rules or regulations, including but not limited to: 1) denying Plaintiff future promotions; 2)
7 demoting Plaintiff; 3) denying Plaintiff transfers to coveted and/or favorable job positions
8 and assignments; subjecting Plaintiff to ostracism from Defendant and co-workers; 4)
9 removing from Plaintiff job responsibilities which would further Plaintiff's career; 5) denying
10 Plaintiff other employment benefits; 6) knowingly making false, misleading or malicious
11 statements regarding Plaintiff which were are reasonably calculated to harm or destroy
12 the reputation, authority or official standing of the Plaintiff; 7) denying Plaintiff a bonus; 8)
13 making false and unfounded complaints regarding Plaintiff's work performance; 9)
14 charging Plaintiff with false allegations of misconduct; 11) wrongfully fabricating
15 misconduct and instituting baseless IA investigations against Plaintiff in an attempt to
16 embarrass and accuse Plaintiff falsely of misconduct; and 10) other actions having a
17 substantial and material adverse effect on Plaintiff's employment.

18 20. A motivating reason for Defendants, and each of them, engaging in the
19 foregoing adverse employment actions against Plaintiff was to retaliate for the Plaintiff
20 engaging in the protected activities of disclosing information to the City of Burbank and
21 the Burbank Police Department, government and/or law enforcement agencies, which the
22 Plaintiff had reasonable cause to believe disclosed violations of state or federal statutes,
23 or violations or noncompliance with state or federal rules or regulations.

24 21. Defendants, and each of them, further retaliated against Plaintiff for refusing
25 to participate in activities that would result in a violation of state or federal statutes, or a
26 violation or noncompliance with a state or federal rules or regulations. Said actions of
27 retaliation were a direct violation of Labor Code Section 1102.5, and said violation shifts
28 the burden of proof onto Defendant to prove beyond clear and convincing evidence that

1 the adverse employment decisions mentioned herein were legitimate.

2 22. As a result of the aforesaid unlawful acts of Defendants, and each of them,
3 Plaintiff has lost and may continue to lose income, in an amount to be proven at time of
4 trial. Plaintiff claims such amount as damages together with prejudgment interest
5 pursuant to California Civil Code section 3287 and/or any other provision of law providing
6 for prejudgment interest.

7 23. As a further result of the aforesaid unlawful acts of Defendants, and each of
8 them, Plaintiff was personally humiliated and has become mentally upset, distressed and
9 aggravated. Plaintiff claims general damages for such mental distress and aggravation in
10 an amount of be proven at time of trial.

11 **SECOND CAUSE OF ACTION**
12 **FOR RETALIATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND**
13 **HOUSING ACT AGAINST DEFENDANTS, AND EACH OF THEM**

14 24. Plaintiff incorporates by reference the allegations of paragraphs 1 through
15 20 as if set forth in full herein.

16 25. The conduct as set forth above, more specifically in paragraph 14a & b,
17 constituted retaliation thereby creating a continuing violation actionable under, among
18 other things, California Government Code section 12940. et seq. Further, after Plaintiff
19 filed his charge of retaliation under the FEHA on June 15, 2009, and filed a lawsuit based
20 upon his claims of unlawful retaliation on September 22, 2009, he was subjected to further
21 retaliation when he was terminated from his employment as a Captain in the Burbank
22 Police Department.

23 26. The aforementioned unlawful employment practices on the part of
24 Defendants, and each of them, were a substantial factor in causing damages and injuries
25 to Plaintiff as set forth below.

26 27. Plaintiff has duly filed administrative complaints with the California
27 Department of Fair Employment and Housing ("DFEH") substantially alleging the acts and
28 conduct of Defendants as herein above described. The Department issued a "right-to-

1 sue" notice on or about June 15, 2009 and June 10, 2010. A true and correct copy of said
2 notices are attached hereto as Exhibits "1" and "2".

3 28. As a result of the aforesaid unlawful acts of Defendants, and each of them,
4 Plaintiff has lost and will continue to lose income (including pension income), in an amount
5 to be proven at time of trial. Further, Plaintiff will lose benefits such as loss of insurance,
6 loss of concealed weapon permit, and loss of his retirement badge. Plaintiff claims such
7 amount as damages together with prejudgment interest pursuant to California Civil Code
8 section 3287 and/or any other provision of law providing for prejudgment interest.

9 29. As a further result of the aforesaid unlawful acts of Defendants, and each of
10 them, Plaintiff was personally humiliated and has become mentally upset, distressed and
11 aggravated. Plaintiff claims general damages for such mental distress and aggravation in
12 an amount of be proven at time of trial.

13 **WHEREFORE**, Plaintiff seeks judgment against all Defendants, and each of them,
14 on all Causes of Action for:

15 1. Actual, consequential and incidental losses, including but not limited to loss
16 of income, loss of future employment, benefits and medical expenses, according to proof,
17 together with prejudgment interest;

18 2. General damages for emotional distress and mental suffering in a sum
19 according to proof;

20 3. Plaintiff requests injunctive relief to restore his permit to carry a concealed
21 weapon, that his records be expunged to show no discipline as a result of the adverse
22 actions taken against him as set forth in this lawsuit, and that he be provided with a
23 retirement badge and ID from the City of Burbank reflecting his retirement in good
24 standing from the Burbank Police Department as a Deputy Chief;

25 4. Attorneys fees pursuant California Government Code §12965 (b);

26 5. Costs of suit herein; and

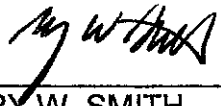
27 6. Such other and further relief as the Court may deem proper.

28

1 Dated: January 11, 2011

LAW OFFICES OF GREGORY W. SMITH

2
3 By:



GREGORY W. SMITH
Attorneys for Plaintiff
WILLIAM TAYLOR

EXHIBIT "1"

COPY

1 GREGORY W. SMITH (SBN 134385)
2 **SMITH & LIPOW**
3 9952 Santa Monica Boulevard, 1st Floor
4 Beverly Hills, California 90212
5 Telephone: (310) 282-0507
6 Telecopier: (310) 286-1171

7
8 Attorneys for Claimant
9 WILLIAM H. TAYLOR
10

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CITY CLERK
CITY OF BURBANK

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STATE OF CALIFORNIA
GOVERNMENT CLAIM

WILLIAM H. TAYLOR,
Claimant,

vs.

CITY OF BURBANK, AND DOES 1
THROUGH 400, INCLUSIVE,
Respondent.

GOVERNMENT CLAIM FOR DAMAGES
PURSUANT TO GOVERNMENT CODE
SECTIONS 905 and 910, ET SEQ.

Pursuant to the provisions of Sections 905 and 910 et seq. of the California
Government Code, demand is hereby made against Respondents in an amount in excess
of the jurisdictional limits of the Superior Court of the State of California. In support of said
claim, on information and belief, the following information is submitted:

1. CLAIMANT: William H. Taylor, c/o Law Offices of Smith & Lipow, 9952
Santa Monica Blvd., First Floor, Beverly Hills, California 90212, Tel. (310)
282-0507.
2. ADDRESS TO WHICH NOTICE OR COMMUNICATION SHOULD BE SENT
REGARDING CLAIM:

Law Offices of Smith & Lipow, 9952 Santa Monica Blvd., First Floor, Beverly

-I-

GOVERNMENT CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE SECTIONS 905 and 910, ET SEQ.

1 Hills, California 90212, Tel. (310) 282-0507.

2
3 **3. TIMELINESS OF CLAIM**

4 Claimant has timely filed a Government Claim within six months of the
5 adverse employment actions taken against Claimant as a result of reporting illegal
6 activities as set forth below.

7
8 **4. CIRCUMSTANCES OF THE INCIDENT**

9 Claimant, a sworn officer, was employed by the Burbank Police Department
10 and held the rank of Deputy Chief.

11 During March 2009, a sworn employee of the Burbank Police Department
12 was accused of sexually harassing numerous females at the Burbank Animal Shelter.
13 The employee was accused of inappropriate sexual comments and gestures. When
14 Claimant was notified of the allegations of sexual harassment, he recommended to Chief
15 of Police Tim Stehr that the employee be placed on administrative leave pending an
16 investigation. Chief of Police Stehr became agitated and demanded that the employee
17 not be placed on administrative leave for a long period of time and ultimately directed
18 Claimant to bring the employee back to work prematurely before sufficient investigation
19 had been undertaken. Claimant informed the City Manager about this incident and that it
20 was handled inappropriately on or about April or May 2009.

21 Claimant repeatedly complained from April 2008 through April 2009, to Stehr
22 that minority (African-American and Hispanic) probationary police officers were being
23 singled out by the Patrol Captain at the time, and some of his staff, for termination on
24 account of their race. Claimant was able to stop the terminations by refusing to support
25 the record that had been unjustly prepared to support the potential terminations. At the
26 time, Claimant had a good faith and reasonable belief that the unjust attempts to terminate
27 minority probationary officers was a violation of federal and state statutes and law
(specifically Government Code sections 12940 et. seq.).

28 On or about April or May 2009, Claimant informed the City Manager that

1 some department personnel were attempting to unfairly terminate probationary minority
2 officers.

3 In or about January 2007, an IA investigation had been initiated based upon
4 an allegation that a lieutenant, while he held the rank of sergeant, had used excessive
5 force against a suspect. The investigation was conducted, interviews were taken, and
6 evidence was gathered. In or around 2007 all of the documents, flash drive and interview
7 tapes pertaining to the case that were stored in a locked office in the Burbank Police
8 Department were stolen. The theft could have only been committed by an employee of
9 the Burbank Police Department. In a memo to Stehr dated November 19, 2007, Claimant
10 requested that an outside agency be contacted and brought into the Burbank Police
11 Department to investigate what appeared to be a burglary within the Department by
12 Department employees. In the memo, Claimant specifically requested that the Los
13 Angeles County Sheriff's Department and Burbank City Attorney's office become involved.
14 Claimant's request to bring in the Los Angeles County Sheriff's Department was angrily
15 denied. On or about April or May 2009, Claimant informed the City Manager about the
16 2007 burglary and the Chief's failure to take appropriate action.
17

18 As a result of the complaints alleged above to the City manager and Chief
19 Stehr, Complainant was demoted from the rank of police Deputy Chief to police Captain.
20

21
22 5. GENERAL DESCRIPTION OF INJURY

23 Claimant alleges that respondents, and each of them, are agents, servants
24 and/or employees of the remaining respondents, and at all relevant times were acting
25 within the course and scope of said agency, service and/or employment.
26

27 Claimant alleges that the conduct described herein is a violation of
28 numerous state and federal laws and regulations. Further, Claimant alleges that the

1 conduct described herein violates California Labor Code section 1102.5, and California
2 Government Code sections 8547 and 12653, and as an actual and proximate result of
3 said conduct Claimant suffered emotional distress, loss of past and future earnings, loss
4 of bonus, loss of ability to promote to the position of Chief of Police. Claimant also claims
5 attorney's fees under the applicable provisions.

6
7
8 6. AMOUNTS CLAIMED:


9 The amount claimed for the wrongful acts and the causes of action stated
10 herein are presently unascertainable, but will be no less than one thousand dollars
11 (\$1,000), in accordance with Section 54.3 of the California Civil Code, and is in an amount
12 to be assessed in accordance with proof at the time of trial. However, pursuant to
13 amended Government Code §910(f), the amount claimed will necessarily lie within the
14 jurisdiction of the Superior Court and unlimited jurisdiction.

15 Claimant claims attorney's fees and costs as provided by statute.

16
17
18 Dated: July 29, 2009

SMITH & LIPOW

19
20 By:



GREGORY W. SMITH
Attorneys for Claimant
BILL TAYLOR

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 9952 Santa Monica Boulevard, 1st Floor, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing the original thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : July 30, 2009

DOCUMENT SERVED : GOVERNMENT CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE SECTIONS 905 and 910, ET SEQ.

PARTIES SERVED : Office of the City Clerk
City of Burbank
275 East Olive Avenue
P.O. Box 6459
Burbank, California 91510-6459

XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY PERSONAL SERVICE) I personally delivered by hand to the offices of the addressee(s).

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on July 30, 2009.


Berna I. Francia

EXHIBIT "2"

● COPY

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CITY CLERK
CITY OF BURBANK

1 GREGORY W. SMITH (SBN 134385)
2 LAW OFFICES OF GREGORY W. SMITH
3 6300 Canoga Avenue, Suite 1590
4 Woodland Hills, California 91367
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Attorneys for Claimant
WILLIAM H. TAYLOR

STATE OF CALIFORNIA
GOVERNMENT CLAIM

WILLIAM H. TAYLOR,
Claimant,

vs.

CITY OF BURBANK, AND DOES 1
THROUGH 400, INCLUSIVE,
Respondent.

GOVERNMENT CLAIM FOR DAMAGES
PURSUANT TO GOVERNMENT CODE
SECTIONS 905 and 910, ET SEQ.

Pursuant to the provisions of Sections 905 and 910 et seq. of the California
Government Code, demand is hereby made against Respondents in an amount in excess
of the jurisdictional limits of the Superior Court of the State of California. In support of said
claim, on information and belief, the following information is submitted:

1. CLAIMANT: William H. Taylor, c/o Law Offices of Gregory W. Smith, 6300
Canoga Avenue, Suite 1590, Woodland Hills, California 91367, Tel. (818)
712-4000.

2. ADDRESS TO WHICH NOTICE OR COMMUNICATION SHOULD BE SENT
REGARDING CLAIM:

Law Offices of Gregory W. Smith, 6300 Canoga Avenue, Suite 1590,

1 Woodland Hills, California 91367, Tel. (818) 712-4000.

2
3 3. TIMELINESS OF CLAIM

4 Claimant has timely filed a Government Claim within six months of the
5 adverse employment actions taken against Claimant as a result of reporting illegal
6 activities as set forth below.

7
8 4. CIRCUMSTANCES OF THE INCIDENT

9 Claimant, a sworn officer, was employed by the Burbank Police Department
10 and held the rank of Deputy Chief. Claimant was later demoted to the rank of Captain.
11 On or about January 7, 2010, Claimant was denied the position of Chief of Police for the
12 City of Burbank based upon the following reasons:

13 During March 2009, a sworn employee of the Burbank Police Department
14 was accused of sexually harassing numerous females at the Burbank Animal Shelter.
15 The employee was accused of inappropriate sexual comments and gestures. When
16 Claimant was notified of the allegations of sexual harassment, he recommended to Chief
17 of Police Tim Stehr that the employee be placed on administrative leave pending an
18 investigation. Chief of Police Stehr became agitated and demanded that the employee
19 not be placed on administrative leave for a long period of time and ultimately directed
20 Claimant to bring the employee back to work prematurely before sufficient investigation
21 had been undertaken. Claimant informed the City Manager about this incident and that it
22 was handled inappropriately on or about April or May 2009.

23 Claimant repeatedly complained from April 2008 through April 2009, to Stehr
24 that minority (African-American and Hispanic) probationary police officers were being
25 singled out by the Patrol Captain at the time, and some of his staff, for termination on
26 account of their race. Claimant was able to stop the terminations by refusing to support
27 the record that had been unjustly prepared to support the potential terminations. At the
28 time, Claimant had a good faith and reasonable belief that the unjust attempts to terminate
minority probationary officers was a violation of federal and state statutes and law

1 (specifically Government Code sections 12940 et. seq.).

2 On or about April or May 2009, Claimant informed the City Manager that
3 some department personnel were attempting to unfairly terminate probationary minority
4 officers.

5 In or about January 2007, an IA investigation had been initiated based upon
6 an allegation that a lieutenant, while he held the rank of sergeant, had used excessive
7 force against a suspect. The investigation was conducted, interviews were taken, and
8 evidence was gathered. In or around 2007 all of the documents, flash drive and interview
9 tapes pertaining to the case that were stored in a locked office in the Burbank Police
10 Department were stolen. The theft could have only been committed by an employee of
11 the Burbank Police Department. In a memo to Stehr dated November 19, 2007, Claimant
12 requested that an outside agency be contacted and brought into the Burbank Police
13 Department to investigate what appeared to be a burglary within the Department by
14 Department employees. In the memo, Claimant specifically requested that the Los
15 Angeles County Sheriff's Department and Burbank City Attorney's office become involved.
16 Claimant's request to bring in the Los Angeles County Sheriff's Department was angrily
17 denied. On or about April or May 2009, Claimant informed the City Manager about the
18 2007 burglary and the Chief's failure to take appropriate action.
19

20 On or about July 30, 2009, Claimant filed a Government Claim against the
21 City of Burbank essentially alleging the misconduct stated above.
22

23 As a result of the complaints alleged above to the City manager and Chief
24 Stehr, and the July 30, 2009 Government Claim, Complainant was denied promotion to
25 the rank of Deputy Chief.

26 ///

27 ///

1 5. GENERAL DESCRIPTION OF INJURY

2 Claimant alleges that respondents, and each of them, are agents, servants
3 and/or employees of the remaining respondents, and at all relevant times were acting
4 within the course and scope of said agency, service and/or employment.

5 Claimant alleges that the conduct described herein is a violation of
6 numerous state and federal laws and regulations. Further, Claimant alleges that the
7 conduct described herein violates California Labor Code section 1102.5, and California
8 Government Code sections 8547 and 12653, and as an actual and proximate result of
9 said conduct Claimant suffered emotional distress, loss of past and future earnings, loss
10 of bonus, denial of the position of Chief of Police. Claimant also claims attorney's fees
11 under the applicable provisions.
12

13
14 6. AMOUNTS CLAIMED:


15 The amount claimed for the wrongful acts and the causes of action stated
16 herein are presently unascertainable, but will be no less than one thousand dollars
17 (\$1,000), in accordance with Section 54.3 of the California Civil Code, and is in an amount
18 to be assessed in accordance with proof at the time of trial. However, pursuant to
19 amended Government Code §910(f), the amount claimed will necessarily lie within the
20 jurisdiction of the Superior Court and unlimited jurisdiction.
21

22 Claimant claims attorney's fees and costs as provided by statute.
23

24
25 Dated: June 4, 2010

LAW OFFICES OF GREGORY W. SMITH

26
27 By:



GREGORY W. SMITH
Attorneys for Claimant
BILL TAYLOR

PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is Messenger Express, 5503 Cahuenga Boulevard, Suite 100, North Hollywood, California 91601-2920.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action, the original thereof enclosed in sealed envelopes, at Woodland Hills, addressed as follows:

DATE OF SERVICE : June 4, 2010

DOCUMENT SERVED : GOVERNMENT CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE SECTIONS 905 and 910, ET SEQ.

PARTIES SERVED : Office of the City Clerk
City of Burbank
275 East Olive Avenue
P.O. Box 6459
Burbank, California 91510-6459

XXX (BY PERSONAL SERVICE) I personally delivered by hand to the offices of the addressee(s).

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

--- (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Woodland Hills, California on June 4, 2010.

(Signature)

Print Name: _____

ANITA MARDYAN

EXHIBIT "3"

COPY

RECEIVED
10 SEP 13 AM 11:21
CITY CLERK
CITY OF BURBANK

GREGORY W. SMITH (SBN 134385)
LAW OFFICES OF GREGORY W. SMITH
6300 Canoga Avenue, Suite 1590
Woodland Hills, California 91367
Telephone: (818) 712-4000
(213) 385-3400
Telecopier: (818) 712-4004

Attorneys for Claimant
WILLIAM H. TAYLOR

STATE OF CALIFORNIA
GOVERNMENT CLAIM

WILLIAM H. TAYLOR,
Claimant,

vs.

CITY OF BURBANK, AND DOES 1
THROUGH 400, INCLUSIVE,
Respondent.

SECOND AMENDED GOVERNMENT
CLAIM FOR DAMAGES PURSUANT
TO GOVERNMENT CODE SECTIONS
905 and 910, ET SEQ.

Pursuant to the provisions of Sections 905 and 910 et seq. of the California Government Code, demand is hereby made against Respondents in an amount in excess of the jurisdictional limits of the Superior Court of the State of California. In support of said claim, on information and belief, the following information is submitted:

1. CLAIMANT: William H. Taylor, c/o Law Offices of Gregory W. Smith, 6300 Canoga Avenue, Suite 1590, Woodland Hills, California 91367, Tel. (818) 712-4000.

2. ADDRESS TO WHICH NOTICE OR COMMUNICATION SHOULD BE SENT REGARDING CLAIM:

Law Offices of Gregory W. Smith, 6300 Canoga Avenue, Suite 1590,

1 Woodland Hills, California 91367, Tel. (818) 712-4000.

2
3 3. TIMELINESS OF CLAIM

4 Claimant has timely filed a Government Claim within six months of the
5 adverse employment actions taken against Claimant as a result of reporting illegal
6 activities as set forth below.

7
8 4. CIRCUMSTANCES OF THE INCIDENT

9 Claimant, a sworn officer, was employed by the Burbank Police Department
10 and held the rank of Deputy Chief. Claimant was later demoted to the rank of Captain.
11 On or about January 7, 2010, Claimant was denied the position of Chief of Police for the
12 City of Burbank based upon the following reasons:

13 During March 2009, a sworn employee of the Burbank Police Department
14 was accused of sexually harassing numerous females at the Burbank Animal Shelter.
15 The employee was accused of inappropriate sexual comments and gestures. When
16 Claimant was notified of the allegations of sexual harassment, he recommended to Chief
17 of Police Tim Stehr that the employee be placed on administrative leave pending an
18 investigation. Chief of Police Stehr became agitated and demanded that the employee
19 not be placed on administrative leave for a long period of time and ultimately directed
20 Claimant to bring the employee back to work prematurely before sufficient investigation
21 had been undertaken. Claimant informed the City Manager about this incident and that it
22 was handled inappropriately on or about April or May 2009.

23 Claimant repeatedly complained from April 2008 through April 2009, to Stehr
24 that minority (African-American and Hispanic) probationary police officers were being
25 singled out by the Patrol Captain at the time, and some of his staff, for termination on
26 account of their race. Claimant was able to stop the terminations by refusing to support
27 the record that had been unjustly prepared to support the potential terminations. At the
28 time, Claimant had a good faith and reasonable belief that the unjust attempts to terminate
minority probationary officers was a violation of federal and state statutes and law

1 (specifically Government Code sections 12940 et. seq.).

2 On or about April or May 2009, Claimant informed the City Manager that
3 some department personnel were attempting to unfairly terminate probationary minority
4 officers.

5 In or about January 2007, an IA investigation had been initiated based upon
6 an allegation that a lieutenant, while he held the rank of sergeant, had used excessive
7 force against a suspect. The investigation was conducted, interviews were taken, and
8 evidence was gathered. In or around 2007 all of the documents, flash drive and interview
9 tapes pertaining to the case that were stored in a locked office in the Burbank Police
10 Department were stolen. The theft could have only been committed by an employee of
11 the Burbank Police Department. In a memo to Stehr dated November 19, 2007, Claimant
12 requested that an outside agency be contacted and brought into the Burbank Police
13 Department to investigate what appeared to be a burglary within the Department by
14 Department employees. In the memo, Claimant specifically requested that the Los
15 Angeles County Sheriff's Department and Burbank City Attorney's office become involved.
16 Claimant's request to bring in the Los Angeles County Sheriff's Department was angrily
17 denied. On or about April or May 2009, Claimant informed the City Manager about the
18 2007 burglary and the Chief's failure to take appropriate action.
19

20 On or about July 30, 2009, Claimant filed a Government Claim against the
21 City of Burbank essentially alleging the misconduct stated above. Claimant also filed a
22 DFEH Charge alleging retaliation for reporting incidents of discrimination and sexual
23 harassment.
24

25 As a result of the complaints alleged above to the City manager and Chief
26 Stehr, the July 30, 2009 Government Claim and DFEH Charge, and the June 4, 2010
27 Government Claim, Complainant was wrongfully terminated on June 10, 2010.
28

1 5. GENERAL DESCRIPTION OF INJURY

2 Claimant alleges that respondents, and each of them, are agents, servants
3 and/or employees of the remaining respondents, and at all relevant times were acting
4 within the course and scope of said agency, service and/or employment.

5 Claimant alleges that the conduct described herein is a violation of
6 numerous state and federal laws and regulations. Further, Claimant alleges that the
7 conduct described herein violates California Labor Code section 1102.5, and California
8 Government Code sections 8547 and 12653, and as an actual and proximate result of
9 said conduct Claimant suffered emotional distress, loss of past and future earnings, loss
10 of bonus, denial of the position of Chief of Police. Claimant also claims attorney's fees
11 under the applicable provisions.
12

13
14 6. AMOUNTS CLAIMED:

15 The amount claimed for the wrongful acts and the causes of action stated
16 herein are presently unascertainable, but will be no less than one thousand dollars
17 (\$1,000), in accordance with Section 54.3 of the California Civil Code, and is in an amount
18 to be assessed in accordance with proof at the time of trial. However, pursuant to
19 amended Government Code §910(f), the amount claimed will necessarily lie within the
20 jurisdiction of the Superior Court and unlimited jurisdiction.
21

22 Claimant claims attorney's fees and costs as provided by statute.
23

24
25 Dated: August 27, 2010

LAW OFFICES OF GREGORY W. SMITH

26
27 By:

28 _____
GREGORY W. SMITH
Attorneys for Claimant
BILL TAYLOR

PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 6300 Canoga Avenue, Suite 1590, Woodland Hills, California 91367.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing the original thereof enclosed in sealed envelopes, at Woodland Hills, addressed as follows:

DATE OF SERVICE : September 3, 2010

DOCUMENT SERVED : **SECOND AMENDED GOVERNMENT CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE SECTIONS 905 and 910, ET SEQ.**

PARTIES SERVED : Office of the City Clerk
City of Burbank
275 East Olive Avenue
P.O. Box 6459
Burbank, California 91510-6459

XXX (BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Woodland Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

— (BY PERSONAL SERVICE) I personally delivered by hand to the offices of the addressee(s).

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on September 3, 2010.

Selma I. Francia

EXHIBIT "4"

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1055 West 7th Street, Suite 1400
(213) 439-8700
www.dfeh.ca.gov



June 15, 2009

TAYLOR, WILLIAM
9952 SANTA MONICA BOULEVARD, 1ST FLOOR
BEVERLY HILLS, CA 90212

RE: E200809S6087-00
TAYLOR/CITY OF BURBANK (BPD)

Dear TAYLOR, WILLIAM:

NOTICE OF CASE CLOSURE

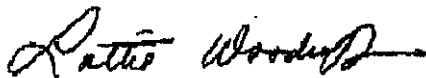
This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 15, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,



Lottie Woodruff
District Administrator

cc: Case File

TIMOTHY STEHR
CHIEF OF POLICE
BURBANK POLICE DEPARTMENT
200 NORTH THIRD STREET
BURBANK, CA 91502

EXHIBIT "5"

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA)

3 COUNTY OF LOS ANGELES)

4 I am employed in the County of Los Angeles, State of California. I am over the age
5 of 18 years of age, and am not a party to the within action; my business address is 9100
6 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

7 On the date hereinbelow specified, I served the foregoing document, described as
8 set forth below on the interested parties in this action by placing true copies thereof
9 enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

9 DATE OF SERVICE : January 12, 2011

10 DOCUMENT SERVED : **FIRST AMENDED COMPLAINT FOR DAMAGES**

11 PARTIES SERVED : **SEE ATTACHED SERVICE LIST.**

12
13 XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid
14 to be placed in the United States mail at Beverly Hills, California. I am "readily
15 familiar" with firm's practice of collection and processing correspondence for
16 mailing. It is deposited with U.S. postal service on that same day in the ordinary
17 course of business. I am aware that on motion of party served, service is
18 presumed invalid if postal cancellation date or postage meter date is more than one
19 day after date of deposit for mailing in affidavit.

17 XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to
18 **Christopher Brizzolara, Esq.** at the following e-mail address:
19 samurai@adelphia.net.

19 XXX (STATE) I declare under penalty of perjury under the laws of the State of California
20 that the above is true and correct.

21 — (FEDERAL) I declare that I am employed in the office of a member of the bar of this
22 court at whose direction the service was made.

23 EXECUTED at Beverly Hills, California on January 12, 2011.

24 _____
25 Selma I. Francia

SERVICE LIST

WILLIAM TAYLOR v. CITY OF BURBANK
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, California 90404
(By Electronic Mail Only)

Kristin A. Pelletier, Esq.
Burke Williams & Sorenson LLP
444 South Flower Street, Suite 2400
Los Angeles, California 90071-2953

Dennis A. Barlow, City Attorney
Carol A. Humiston, Sr. Asst. City Atty.
Office of the City Attorney
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275 East Olive Avenue
Post Office Box 6459
Burbank, California 91510

Linda Miller Savitt, Esq.
Philip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt LLP
500 North Brand Boulevard, 20th Floor
Glendale, California 91203-9946